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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,195	02/17/2004	Han-Ching Huang	15722/629	9925
23595	7590	03/30/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			BRITTAIN, JAMES R	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,195

Applicant(s)

HUANG, HAN-CHING

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 5 and 7-11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Overbagh (US 310845) in view of Morehead (US 942006) and Smetz (DE 3240993).

Overbagh (figure) teaches a rope fastener set including a rope fastener, B, for winding a first rope, C, and a gauge, E, G, provided between the rope fastener and a second rope secured to the ring, H, wherein the gauge includes: a cylinder, E, tied via a slidable connection with the second rope via the ring, H, and rod, G; a first ring secured to the cylinder and defining a bore; a spring, I, put in the cylinder; a rod, G, having markings thereon extending past the ring through the spring for connection with the rope fastener via a slidable connection between the ring, F, and the sliding of the rod, G, through the first ring at the end of the cylinder, wherein the markings on the rod cooperate with the first ring to form a scale to measure the strain on the ropes; and a second ring, F, secured to the rod so that it is moved relative to the cylinder so as to compress the spring against the first ring as a tensile force is exerted on the ropes. The difference is that the fastener is used on rope, the cylinder lacks a window with a scale along the window and the second ring lacks an indicator formed thereon for cooperation with the scale to provide a reading of the tensile force. Overbagh also expects different forms of gauges to be used (lines 38-43). However, Morehead (figure 1) teaches that it is desirable in a rope fastener

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set having a winder to form the frame that acts as a gauge with a window and scale, as depicted by the open top and bottom, with the sliding bar 10, which is comparable to the second ring, F, of Overbagh, having an indicator 17 formed thereon to cooperate with the scale so as to form a simpler and more direct read-out resulting in a simply constructed, reliable and efficient to use gauge, and Smetz (figures 1-3) teaches that it is just as desirable to use gauges to measure strap tension as it is to measure rope tension. As it would be beneficial to make the reading of the strain on the tensioning element of Overbagh easier, it would have been obvious to modify the rope fastener set of Overbagh so that the cylinder has a window with a scale along the window and the second ring has an indicator formed thereon for cooperation with the scale to provide a reading of the tensile force in view of Morehead teaching the desirability of doing so to provide a simply constructed, reliable and efficient to use gauge and to utilize the device on straps in view of Smetz teaching that it is just as desirable to use gauges to measure strap tension as it is to measure rope tension. As to claims 2 and 3, Overbagh can be construed as showing a unitary device with the first ring integrally formed on an internal surface of the cylinder and the second ring, F, is secured on the rod, G, and is considered integral. In regard to claim 4, the rod is considered connected by a joint with the winder, B, via a slidable joint between the ring, F, and the sliding of the rod, G, through the first ring at the end of the cylinder. As to claim 6, the third ring, H, is secured to the cylinder, E, by a slidable connection via the rod, G, and is connectable with a second strap. In regard to claim 12, integrating the straps with each other is conventional structure for binding a strap around packaging or cargo and applicant is given Official Notice that the integration of straps is well known for this purpose. As to claim 13, Smetz teaches the use of a base, reels and lever in the conventional strap tightener structure as well known for

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easier assembly without removable tools as is claimed and it would have been obvious to make the winding structure of Overbagh easier to manipulate as taught by Smetz.

Allowable Subject Matter

Claims 5 and 7-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14 and 15 allowed.

Conclusion

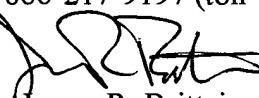
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent of Huang (US 2004/0104380, figure 1) teaches pertinent fastener structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (703) 308-2222. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB